

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HOWARD DELACRUZ-BANCROFT,

Plaintiff,

v.

Case No. 1:23-CV-00023 JB-KK

FIELD NATION, LLC; SPARTAN
COMPUTER SERVICES/NATIONAL
SERVICE CENTER; AND
JACK IN THE BOX INC.,

Defendants.

NOTICE OF COMPLETION OF BRIEFING

Defendant NewBold Corporation, on behalf of its division National Service Center (“NSC”), hereby provides the Court notice of the completion of briefing related to NSC’s Motion to Dismiss the Complaint (“**Motion to Dismiss**”). The following have been filed:

1. *Motion to Dismiss*, filed in the Second District Court, Bernalillo County, New Mexico, Case D-202-CV-2022-06858 (“**State Court**”), on December 14, 2022;
2. *Request for Hearing*, filed in the State Court on January 9, 2023;
3. *Notice of Completion of Briefing*, filed in the State Court on January 9, 2023; and
4. *Notice of Completion of Briefing*, filed in this Court, Case No. 1:23-CV-00023, on April 27, 2023.
5. No response to, or other briefing on, the Motion to Dismiss was filed in this Court after removal of this action from the State Court to this Court. However, after removal, Plaintiff filed pleadings that could be read as being directed to NSC’s Motion to Dismiss. Notwithstanding that these pleadings are legal nullities, *see Alexander v. Kirkpatrick*, No. 19-CV-0509 JB/SMV, 2019 WL 4164882, at *2 (D.N.M. Sept. 3, 2019), *report and recommendation adopted*, 426 F.

Supp. 3d 1005 (D.N.M. 2019) (“Generally, documents filed in state court after removal are legal nullities...”), out of an abundance of caution, and in deference to Plaintiff’s *pro se* status, NSC lists those pleadings here:

- a. *Motion to Amend Complaint Adding Tortious Interference as an Element of Original Complaint* filed in State Court on January 10, 2023; and
- b. *Motion to Strike, Consideration for Motion to Amend as Response to Motion to Dismiss and Objection for Removal to Federal Court* filed in State Court on January 11, 2023.

Thus, briefing is complete, and this matter is ready for consideration and decision by this Court.

SUTIN, THAYER & BROWNE
A Professional Corporation

By /s/ Andrew J. Simons

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*Attorneys for Defendants NewBold
Corporation On behalf of its division
National Service Center*

I hereby certify that a true and correct
Copy of the foregoing Notice of Completion
Of Briefing was filed with the Court electronically
Using the CM/ECF System, which caused
All counsel of record to be served, and was served
Via first class mail and email, on
April 27, 2023 to:

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